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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,961	07/31/2001	Aaron Valdivia	PD-200257	2564

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EXAMINER

UBILES, MARIE C

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,961

Applicant(s)

VALDIVIA ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-6, 8-12, 14-18, 20-21, 23-24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Threadgill et al. (US 6,272,341).

As for claim 1, Threadgill et al. discloses a system for provisioning satellite resources in a satellite communications network (or network engineering /systems engineering (NE/SE) system)(See Abstract) having at least one satellite (See, for example, Fig. 9a), said satellite comprising a payload processor for configuring said satellite resources (Examiner notes that on a communication satellite, the payload is the communication subsystem, which carries out the communications mission (receiving and transmitting information). See, for example, the functions of transmit and reception

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performed by satellite, Col. 1, lines 42-45 and Col. 2, lines 36-44), said resources comprising a plurality of channels (as read on "frequencies" or "frequency spectrum") for transmitting information to or from said satellite (or "transmit and receive signals")(See Col. 1, lines 42-44), said system comprising a network interface adapted to receive requests for satellite resources (See, for example, Col. 9, lines 20-26), a satellite resource allocation plan, comprising information related to the satellite resource configuration over time (as read on "...expand the mobile satellite system capacity for increases in traffic demand")(See Col. 9, lines 26-32), and a request processor adapted to determine whether said requests can be fulfilled based on a plurality of system constraints including the satellite resource allocation plan (as read on "comparing loads with capability and availability of space...")(See Col. 9, lines 38-45), to send commands to said payload processor in order to configure said satellite resources to fill said request (See Col. 9, lines 45-57), and to update said satellite resource allocation plan based on requests which can be fulfilled (may be read again on "...expand the mobile satellite system capacity for increases in traffic demand", it is inherent that the system will be configured only to its maximum available capacity).(See also, functions performed by SOC. Col. 3, lines 12-20).

Claims 9 is rejected for the same reasons as claim 1, regarding the limitation reciting "comprising a plurality of antennas for receiving transmissions from geographically distinct cells" read on Col. 9, lines 24-25. As per the "plurality of demodulators for demodulating transmission in particular frequency ranges", read for example on demodulators provided within transmission/reception systems of antennas

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serving different geographical locations. The "switch matrix" limitation is well-known matter in the art, in order to support this asseveration, Examiner provides Ishi (US 4,800,561).

Claim 15 is rejected for the same reasons as claims 1 and 9, as per the "plurality of spot beams antennas...", see for example, Fig. 42 of Threadgill et al.

Claim 21 is rejected for the same reasons as claim 1. Examiner takes Official Notice that in Network Operation Centers (or NOC) the level of security of users need to be verified in order to not only avoid unauthorized users from accessing the system; but to avoid giving access to all personnel to sensitive processes such as network provisioning and troubleshooting.

Claims 4-6 are rejected for the same reasons as claim 9.

The limitations of claims 10-12, 16-18 and 26 read, for example, on Threadgill's et al. disclosure of Col. 9, lines 19-26 (as read on "producing frequency plans for different geographical regions and defining circuit pools for different group of users of the METs").

As for claim 24, Threadgill et al. discloses satellite resources comprise channels within frequency bands (See, "L-Band Frequency Allocation", Col. 1, line 62 through Col. 30, line 47).

Regarding claims 3, 8, 14, 20 and 23, Threadgill et al. discloses that the satellite network system interfaces with the satellites via the NOC (See Col. 3, lines 21-24) and that the NOC manages and controls the resources of the satellites by communicating via a LAN/WAN based satellite Internetwork (or Internet) and dial-up lines.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 2, 7, 13, 19, 22 and 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Threadgill et al (US 6,272,341).

As for claim 25, Applicant recites the limitation "frequency bands are within the Ka Band", Threadgill's system uses the L and Ku frequency bands. L-Band communications occur within 1-2 GHz, Ku-Band communications occurs between 12-18 GHz and Ka-Band between 27-40 GHz. It is well known that most radiocommunications occur at higher frequencies due to congestion in the lower frequency bands, thus it

would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Ka-band as opposed to any other low frequency bands.

Regarding claims 2, 7, 13, 19 and 22, Threadgill et al. teaches that the Network includes the Internet (or Internetwork); thus it would have been obvious to one of ordinary skill in the art to use a web browser in order to access the Internet as it is well-known in the art that a web browser is a software package that enables a user to display and interact with documents hosted by web servers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (571)272-7491. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Marie C. Ubiles
March 21, 2005.

A handwritten signature in black ink, appearing to read "Ahmad F. Matar". The signature is fluid and cursive, with the first name "Ahmad" being more prominent than the last name "Matar".

AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700